

**DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM
BOARD OF MANAGERS
PUBLIC SESSION MEETING MINUTES
January 17, 2019**

OPENING AND ATTENDANCE

The Board of Managers meeting was held at the Delaware Criminal Justice Information System located in Dover, Delaware. Ms. Bhate called the meeting to order at approximately 10:05 a.m.

Those in attendance included:

BOM MEMBERS

Gregory Patterson	DOJ
Marian Bhate	ODS
Lt. Fred Calhoun	NCCPD
Renee Rigby	DSP
Justin Day	DTI
Mark Hitch	JP Court
Phil Winder	DOC
Jeffrey Horvath	DE Police
	Chiefs' Council

STAFF

Earl McCloskey	DELJIS
Mary Hansen	DELJIS
Michael Kelly	DELJIS
Alyssa Huenke	DELJIS
Lisa Morris	DAG

PUBLIC AND NON-VOTING PARTIES

Capt. Benjamin Parsons
Isabella Kaplan
Randy Fisher
Chip Simpson

I. REVIEW AND APPROVAL OF MEETING MINUTES

BOM Public Session Minutes – Lt. Calhoun made a motion to approve the November Board of Managers public session meeting minutes. Mr. Horvath seconded the motion. All in favor, motion carried.

BOM Executive Session Minutes – Lt. Calhoun made a motion to approve the November Board of Managers executive session meeting minutes. Ms. Rigby seconded the motion. All in favor, motion carried.

II. DELJIS ACCESS APPLICATIONS

- DOE Investigators – Mr. McCloskey advised the Department of Education is seeking to expand the DELJIS access the investigators currently have. He advised that the DOE Investigators are seeking access to incident inquiry and LEISS print preview. Mr. Chip Simpson introduced himself and Mr. Randy Fisher to the Board. Mr. Simpson added that he and Mr. Fisher retired from the Delaware State Police. Mr. Simpson advised that the Investigations Unit of DOE is charged with conducting educator misconduct licensure investigations on behalf of the Secretary of Education, Dr. Susan Bunting. He added that the Secretary may limit, suspend, or revoke an educator's credentials in cases of misconduct.

Mr. Simpson advised that they investigate about thirty-five to thirty-seven cases per year. He stated that the DOE Investigators currently have access to criminal history and executed warrant review, but having access to LEISS reports would enhance their capabilities to investigate these cases more thoroughly. He added that there have been about eleven to twelve cases per year that the LEISS print preview functionality would have been beneficial to the investigation.

Mr. McCloskey asked Mr. Simpson if he investigates any incident involving a teacher who is arrested and if he receives the teacher arrest notices. Mr. Simpson advised that they do not currently receive the teacher arrest notifications. He added that the Districts receive the arrest notice which is then forwarded to the Secretary's Office. Mr. Simpson stated that the Districts are required by statute to notify the Secretary of a teacher arrest. He advised that if a teacher is arrested for a violent felony there is an automatic suspension of the educator's license.

Mr. Winder asked if the Districts have the additional access that Mr. Simpson is requesting. Mr. McCloskey advised that the access being requested would be comparable to what the Indian River School District investigators currently have. Mr. Simpson advised that the Secretary is the only one in the State with the authority to suspend or revoke an educator's license. Mr. Winder asked if the decision is based on Mr. Simpson and Mr. Fisher's findings. Mr. Simpson advised that the DOE Investigators conduct a licensure investigation, make a recommendation to the Secretary, and then the Secretary makes a decision regarding the educator's license.

Lt. Calhoun made a motion to approve the Department of Education's request to provide the investigators with access to LEISS print/preview. Mr. Horvath seconded the motion. All in favor, motion carried.

- Apartment Access – During November's meeting, it was decided that Ms. Hansen would conduct an audit of the apartment complexes' DELJIS activity over the past six months. Ms. Hansen's audit revealed that Luther Towers, Arbor Management, and New Castle County Section 8 Housing are heavy users. Delaware State Housing Authority rarely uses the system and Jefferson Apartments has never used DELJIS. Lt. Calhoun asked if the complexes that use the system heavily are responsible for multiple sites. Ms. Hansen advised that Arbor Management and Luther Towers use the system for more than just screening housing applicants. Lt. Calhoun asked what kind of inquiries they seem to be conducting. Ms. Hansen stated that they are mostly using wanted person inquiry, registration inquiry, and license inquiry. Mr. Horvath asked if it seems that the users are looking up a registration, cross referencing the associated license and then checking to see if that driver is wanted. Ms. Hansen advised that it seems to be that way.

Ms. Bhate advised that she believes the discussion was left at whether or not the apartment complexes should be permitted to use the system for more than screening applicants. She asked if the Board was aware that these facilities were

going to be using DELJIS in the way that Mr. Horvath described. Ms. Hansen advised that those complexes did explain that type of use in their applications for access and when they came before the Board. Ms. Rigby advised she had a copy of the original request from Arbor Management and that it did state they would be using DELJIS to ensure residents and visitors were in compliance with regulations.

Mr. Winder advised that he sees a need for the apartment complexes to obtain the information they are seeking to provide safety measures, but believes the access they currently have may be too much. There was discussion about the possibility of implementing a red light/green light program for these entities. Mr. McCloskey stated that DELJIS has the technical capabilities to be able to create a red light/green light program should the Board decide to go that route. DAG Morris advised that red light/green light is still considered dissemination and would require the Board's approval. Mr. Horvath asked if there is any indication that any of these complexes are abusing the access that they have been given. Mr. McCloskey advised that there has been no reported indication. He stated that the discussion stemmed from an application the Board received last year that raised some concern about how DELJIS access was going to be used. Ms. Bhate pointed out that, as with the other agencies that have access to DELJIS, it is difficult to determine an indication of inappropriate use unless an incident is reported. There was a brief discussion about requiring an inquiry log.

Mr. McCloskey suggested a demonstration of the screens and information that is available to the apartment complexes that currently have access. He advised he feels that the Board should see exactly what the apartments see in order to make an informed decision regarding their access. It was decided that a demonstration will be provided for the Board during the meeting in February. DAG Morris advised that the demonstration would need to be conducted in executive session.

- Indirect Access – DAG Morris advised that she distributed draft regulations and a draft MOU to the Board during the November meeting. The Board will review these documents further and discussion will be tabled until February.

III. COMMITTEE REPORTS

- Slate of Officers from Nomination Committee – Ms. Bhate advised that the Nomination Committee met immediately following the Board of Managers meeting. Ms. Rigby, Mr. Horvath, and Mr. Setting nominated Lt. Calhoun as Chairperson, Ms. Kennedy as Vice Chairperson, and Ms. Bhate as Secretary. Mr. Patterson made a motion to accept the slate of officers. Mr. Day seconded the motion. All in favor, motion carried.

Mr. Patterson made a motion to formally approve Lt. Calhoun as Chairperson, Ms. Kennedy as Vice Chairperson, and Ms. Bhate as Secretary. Mr. Horvath seconded the motion. All in favor, motion carried.

IV. OLD BUSINESS

- Automated Usage Statistics - Mr. McCloskey referenced Attachment B in the meeting handouts and reviewed the automated usage statistics with the attendees.
- Project Status Report – Mr. McCloskey referred to Attachment C in the meeting handouts. He advised that, in the interest of time, he will highlight only a few projects. Mr. McCloskey stated that the automated videophone warrant project was implemented statewide on January 14th. He added that issues are being addressed as they arise. Mr. McCloskey then discussed the Initial Presentment Form which will be used if an officer requests secured bond at the time of arrest. Mr. McCloskey mentioned the drug intervention notices that will be generated and sent to the Division of Substance Abuse and Mental Health for possible follow-up services after a reported overdose. He added that DELJIS and DSAMH are in the process of finalizing the details that will be included in the email notices.

V. NEW BUSINESS

- MOUs for School Districts – Mr. McCloskey advised that he will be attending a meeting at Legislative Hall following the Board meeting to discuss background reporting student teachers. He also mentioned that it came to his attention that the statute relating to teacher arrest notifications changed in 2016. DELJIS has been advised by the Attorney General's Office to continue sending the notifications, but the wording of the notice was changed to remove the reference to the repealed statute. DAG Morris added that two paragraphs allowed for background checks at the time of hire and the reporting of an arrest after the individual was hired. She stated that these two paragraphs seem to have been left off by mistake, but it is anticipated that they will be re-added through housekeeping efforts. Further discussion about the MOUs for School Districts will be tabled until DELJIS has more information concerning the legislative updates regarding the teacher arrest notices.

VI. PUBLIC COMMENT

There was no public comment.

VII. ADJOURNMENT

A motion was made by Lt. Calhoun to adjourn the meeting at approximately 11:31 a.m. The motion was seconded by Mr. Horvath. All in favor, motion carried.